

## **CITY OF MESA**

### **MINUTES OF THE PLANNING AND ZONING BOARD MEETING**

Held in the City of Mesa Council Chambers

Date: October 21, 2009 Time: 4:00 p.m.

#### MEMBERS PRESENT

Frank Mizner, Chair  
Randy Carter, Vice Chair  
Beth Coons  
Chell Roberts  
Vince DiBella  
Lisa Hudson

#### MEMBERS ABSENT

Scott Perkinson (excused)

#### OTHERS PRESENT

John Wesley  
Tom Ellsworth  
Lesley Davis  
Angelica Guevara  
Debbie Archuleta  
Gordon Sheffield  
Margaret Robertson  
Christine Zielonka

Stephen Earl  
Tim Nielsen  
Mark Shill  
Nathan Cottrell  
Vince Stark  
Roger Trengo  
Morgan Nevill  
Others

Chairperson Mizner declared a quorum present and the meeting was called to order at 4:00 p.m. The meeting was recorded on tape and dated October 21, 2009. Before adjournment at 5:54 p.m., action was taken on the following:

It was moved by Boardmember Randy Carter, seconded by Boardmember Beth Coons that the minutes of the August 18, 2009, and August 19, 2009 study sessions and regular meeting be approved as submitted. Vote: Unanimous.

Zoning Cases: Z09-17, Z09-19, Z09-21, GPMinor09-06, Z09-20

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Item: **Z09-17 (District 6)** The 4800 through 5200 block of South Hawes Road. Located south of the Loop 202 Freeway on the east and west sides of the Hawes Road alignment including the southeast corner of the Hawes and Ray Road alignments (230± acres). Rezone from AG-AF to C-2 and PEP with a BIZ overlay and a Council Use Permit, and the establishment of the Gateway 202 Airpark Development Master Plan. This request will allow for the development of a high quality master planned Mixed Use Employment area with office, retail, hotel, and urban living components. Brad Hansen, 202 Holdings, owner; Stephen Earl, Earl, Curley and Lagarde P.C., applicant.

Comments: Boardmember Beth Coons recused herself.

Stephen Earl 3101 Central Avenue, represented the case. Mr. Earl stated this project would be at the new entrance to the Airport. The proposal consists of 230 acres to master plan. He stated they have been working with staff on this project for a year. They are not seeking the Council Use Permit for the Urban Living Component yet. They are proposing retail, restaurants and hotels at the entrance to the airport. The residential component will be close to the 202 freeway as far from the airport as possible. Mr. Earl stated it was very important to the retail and restaurants to have a residential component to support them after normal business hours for the office component. He clarified there would be service retail, there would not be a mall. The project was designed with buildings at the street with parking behind the buildings. They were establishing pedestrian and bike paths, with extensive landscaping for shade and landscape oasis. The project would provide a wide breadth of commercial, light manufacturing, flex office space, retail and hotels. There would be 6 million square of employment.

Regarding the urban living component, Mr. Earl stated they had spoken with Boeing and the Airport, they understood there would be a lot of noise and overflights over the whole area. He stated they would be using the latest noise attenuation available. There are condos in Tempe that are next to the freeway and close to the airport and they are successful. He stated they would be establishing the business park first, so the residential tenants would know what was around them. He stated they would be designing the residential to be rental; however, he acknowledged the City could not prevent the residential from converting to ownership.

Mr. Earl stated they were proposing two options, one with the 802 freeway and one without.

Morgan Nevill 5262 West Harrison Court, Chandler, spoke in support of the project. Mr. Nevill represented a property south of this site, west of Hawes. He stated Kitchell had worked with them as they developed their plans. He was in support of the level of quality proposed with this application.

Boardmember Chell Roberts asked about the phasing of the project. Mr. Earl stated the first phase would start along Hawes and then the phasing would move east. The 6-story buildings would be developed in the future.

Boardmember Vince DiBella was concerned with how the future freeway would affect the approval. Staffmember Ellsworth stated the applicant had submitted two proposals showing the freeway and not showing the freeway.

Boardmember Randy Carter was concerned the applicant was not showing enough hotel and restaurant space. He wanted to ensure that they would have the flexibility to add additional hotel, retail, and restaurant space if they needed to. Staffmember Ellsworth stated they would have some flexibility; however, based upon the amount of change needed they might have to amend

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the master plan. Planning Director John Wesley stated the design guidelines would allow changes to more specific plans. They could move things around. Also the site plan reviews would be through the Planning and Zoning Board.

Chair Frank Mizner questioned how the timing of the future 802 freeway would affect this project. Mr. Earl stated that Hawes and Ray Road improvements were crucial; however, the 802 would not have an off ramp to this site. Chair Mizner confirmed the BIZ was for height exceptions. Mr. Earl stated each element would come back for site planning.

It was moved by Boardmember Chell Roberts, seconded by Boardmember Randy Carter

That: The Board recommend to the City Council approval of zoning case Z09-17 conditioned upon:

1. Compliance with the basic development as described in the DMP project narrative Actual project yield (i.e., total office, retail, hotel rooms, urban living units etc.) is subject to compliance with City Codes and regulations except as modified herein.
2. The Bonus Intensity Zone (BIZ) Overlay is to allow height limits above those allowed in the C-2 and PEP zoning districts subject to the minimum and maximum height ranges and locations proposed in the Gateway 202 Airpark Development Master Plan.
3. Site Plan Review through the public hearing process of future development plans. The review of specific site plans will include updates to the conceptual site plan showing how it will fit into the concept of the DMP.
4. Compliance with all requirements of the Design Review Board.
5. Compliance with all City development codes and regulations.
6. Dedicate the right-of-way required under the Mesa City Code at the time of application for a building permit, at the time of recordation of the subdivision plat, or at the time of the City's request for dedication whichever comes first.
7. Owner granting an Avigation Easement and Release to the City, pertaining to Williams Gateway Airport, which will be prepared and recorded by the City (concurrently with the recordation of the final subdivision map, prior to the issuance of a building permit).
8. Written notice be provided to future owners and residents, and acknowledgment received that the project is within one mile of Williams Gateway Airport.
9. Noise attenuation measures to be incorporated into the design and construction of the apartments to achieve a noise level reduction of 25 db.
10. Future site plans shall include the Regional Public Trail System identified in the Mesa Gateway Strategic Development Plan within an alignment acceptable to the Transportation Division.
11. The development of Hawes Road and access to Hawes Road and Ray Road will be determined with the specific transportation study currently being completed for the area. Future site plans will be subject to this study as they are reviewed by the Transportation Division.
12. Within the pedestrian node areas, buildings will be sited in relation to the street and each other to create definable, active pedestrian locations in an urban-type development pattern.

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Vote: Passed 5 – 0 – 1 Boardmember Coons abstained Boardmember Perkinson absent

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Item: **Z09-19 (District 4)** 1265 South Pima. Located west of Mesa Drive and south of Southern Avenue (2.13± acres). Rezone from C-2 to C-3 and Site Plan Review. This request will allow an existing building to be used for wholesale of plumbing and HVAC equipment. Mark Shill, owner; Tim Nielsen, applicant.

Comments: Boardmember Coons recused herself.

Tim Nielsen 2351 South Signal Butte Road and Mark Shill were present to represent the case. Mr. Nielsen explained this was an existing site that has been lumber sales. They intended to sell HVAC and plumbing wholesale. The reason for the rezoning was to bring the site into compliance with current zoning regulations.

Chair Frank Mizner confirmed the storage would be inside the building.

Staffmember Lesley Davis explained the proposal. She stated the use would remain the same, the only change would be what was being sold.

It was moved by Boardmember Randy Carter, seconded by Boardmember Vince DiBella

That: The Board recommend to the City Council approval of zoning case Z09-19 conditioned upon:

1. Compliance with the basic development as described in the project narrative and as shown on the site plan submitted (without guarantee of building count or lot coverage).
2. Compliance with all City development codes and regulations.
3. Non-conforming and/or prohibited signs shall be brought into conformance prior to the issuance of a building permit.
4. No outdoor storage
5. Review and approval of a Substantial Conformance Improvement Permit by the Board of Adjustment.

Vote: Passed 5 – 0 – 1 Boardmember Coons abstained Boardmember Perkinson was absent

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Item: **Z09-21 (District 6)** 7417 South Hawes Road. Located at the northeast corner of Hawes Road and Germann Road (55± acres). Rezone from AG to M-1 BIZ and O-S and Site Plan Review. This request will allow for the development of a movie production studio. Gateway Airport Partnership/Germann and Hawes Limited Partnership/Vince Stark, owner; Nathan Cottrell – EST, Inc., applicant.

Comments: Nathan Cottrell and Vince Stark were present to represent the case. Mr. Cottrell explained there would be 8 film stages with offices; two storage buildings; two buildings for set/film/costume production and accessory buildings for medical, a gym, a commissary and day care for employee's children. He stated there would be a 150' buffer to Queen's Park, and a guard house with 24 hour security. They were proposing solar panels, gray water, and preservation of rain water. They also proposed horse trails similar to what already exists in the area. The Roman architecture was only intended for the entry. They intended high quality architecture with integral block and exposed aggregate for the office buildings. The buildings were proposed to be 48' and 58' tall which was taller than what had been shown to the neighbors. Mr. Cottrell stated they had met with neighbors and felt they had addressed their concerns. He stated there would be C.C. & R's prohibiting adult films; the sound effects are added later; service trucks will come from Pecos to Hawes; and the walls would be 6' of masonry with 2' of wrought iron. He stated they would be working with the Town of Queen Creek for Germann Road improvements.

Boardmember Chell Roberts confirmed clients would typically lease space; however, they could also buy portions of buildings.

Boardmember Randy Carter confirmed the back lot would be farther north than the boundary with Queens Park. He thought the wall and landscaping were very well done.

Vince DiBella confirmed City staff had suggested the proposed refuse area so that sanitation trucks would not have to drive all through the project and possibly interfere with filming. He confirmed the outdoor storage area would be for temporary storage of lumber and equipment when not being used. He confirmed the offices would be what was visible from the streets. He cautioned the applicant to address the design and architecture of the buildings. He confirmed the north/south boulevard would be phase I, the 4 other stages would be in the future phase.

Chair Frank Mizner questioned why this site? Mr. Cottrell stated the proximity to the airport; the proposed Gaylord Resort and the freeway.

Roger Trenco 8626 East Waterford then spoke. Mr. Trenco stated he was in support of the project. He stated he had spoken to about half of the residents of Queens Park and they supported the project, but he was not an authorized neighborhood representative. He noted the heights had changed, but did not think it was a significant issue. He understood things have to change as the details are developed, but the neighborhood was concerned with things not changing too much by the time they get to Design Review.

Chair Mizner confirmed that this project would go to the Design Review Board; and would need site plan review for future development. Also any change to the 150' buffer would go through the Planning and Zoning Board and City Council.

Boardmember Beth Coons was concerned that the studio not produce adult films. Mr. Cottrell stated the C.C. & R's would prohibit adult films. Mrs. Coons wanted an additional condition of approval requiring the applicant to submit the C. C. & R's to staff.

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Staffmember Angelica Guevara explained the request. She stated staff supports the request and the deviations from Code requested in the BIZ.

It was moved by Boardmember Chell Roberts, seconded by Boardmember Beth Coons

That: The Board recommend to the City Council approval of zoning case Z09-21 conditioned upon:

1. Compliance with the basic development as described in the project narrative, the neighborhood policy, the Site Plan, preliminary elevations and all other requirements as approved by the Design Review Board, (without guarantee of building count and square footage).
2. Compliance with all City development codes and regulations.
3. All future development plans shall go through the public hearing process for site plan review.
4. Any future changes to the approved site plans that include any portion of the 150' buffer zone shall be processed through the Planning & Zoning Board and Council public hearing process.
5. Dedication of all necessary and required right-of-ways under the Mesa City Code in effect at the time of application for a building permit, at time of recordation of the subdivision plat or at the time of the City's request for dedication whichever comes first. .
6. Full compliance with all current Code requirements, unless modified through appropriate review and approval of the modifications outlined in the related staff report.
7. All street improvements and street frontage landscaping shall be part of the first phase of construction.
8. Certificates of Occupancy and/or Completion for individual buildings will not be granted until all approved and required parking and landscaping for the subject buildings are constructed.
9. All phases of construction shall have temporary landscaping, extruded curbs, and screen walls where parking and loading/service areas are visible from Rights-of-Ways and Public areas.
10. Owner shall grant an Avigation Easement and Release to the City, pertaining to Phoenix Mesa Gateway Airport, which will be prepared by applicant and submitted to the City for review and approval, prior to the issuance of the building permit .
11. Owner shall prepare and submit to the City, on or before submittal of preliminary plat, for review and approval Covenants, Conditions & Restrictions containing but not limited to a prohibition on the production of adult oriented movies.

Vote: Passed 6 – 0 Boardmember Perkinson absent

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Item: **GPMInor09-06 (District 6)** 6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). District 6. Minor General Plan Amendment to change the Mesa 2025 General Plan Land Use designation from Community Commercial (CC) and Medium Density Residential 6-10 du/acre (MDR 6-10) to High Density Residential 15+ du/acre (HDR 15+). This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant.

Comments: This item continued to the November 18, 2009 meeting.

It was moved by Boardmember Randy Carter, seconded by Boardmember Vince DiBella

That: The Board continue case GPMInor09-06 to the November 18, 2009 meeting:

Vote: Passed 6 – 0

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*Item:       **Z09-20 (District 6)**   6919 East Monterey Avenue. Located north of Guadalupe Road and east of Power Road (19.39± acres). Rezone from C-2 and R1-6 PAD to R-4 PAD and Site Plan Review. This request will allow the development of a multi-residential apartment complex. Prehab Foundation, owner; Mark Reeb, applicant.*

Comments:   This item was placed on the consent agenda to be continued to the November 18, 2009 meeting.

It was moved by Boardmember Beth Coons, seconded by Boardmember Chell Roberts

That:   The Board continue case Z09-20 to November 18, 2009:

Vote:   Passed 6 – 0

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Item: Hear a presentation, discuss and provide direction on the following:

Progress report on the Zoning Code Update including Telecommunication Chapter

Comments: Gordon Sheffield explained that in 1996 the Federal Government adopted regulations regarding telecommunications. Those regulations state local governments cannot deny telecommunication towers based on health concerns. They also stated local communities cannot impede facilities. In 1997 the City of Mesa adopted guidelines which require a Special Use Permit for towers in residential areas, or in commercial districts if they exceed the allowable building height for the district. Current required setbacks are 1 to 1 from the street, and 2 to 1 to residential. Staff was proposing to change the setbacks if the telecommunications carrier proposes stealth poles. Ground equipment must meet landscape setbacks. New setbacks from residential would be 300', with a 1000' separation between poles. Something that was never addressed in the original guidelines was cessation of poles; what happens if the carrier no longer needs the tower? The changes would also address satellite dishes. Operation and maintenance of equipment would be required to be done during business hours, not in the middle of the night. Another change would be to avoid a public hearing process if they propose a stealth tower and meets several additional criteria. Regarding Special Use Permit cases, the applicant would need to demonstrate that they need the pole; the equipment is as small as possible; show why they can't co-locate; why they need a new tower; and why a residential site instead of a commercial site.

Boardmember Beth Coons was concerned that citizens be able to speak if they are concerned. She questioned the 1000' separation. She thought it might be better to cluster them. Mr. Sheffield stated that one tower seems to be less noticeable than multiple towers. He stated they could still be closer but the applicant would need to get a Special Use Permit which would require a public hearing.

Boardmember Vince DiBella stated stealth towers may not work if they look out of place.

Chair Frank Mizner confirmed the 1996 Federal regulations include HAM radio antenna. Mr. Sheffield stated there are C.C. & R's in some subdivision that prohibit them. Chair Mizner also confirmed that the setbacks do not apply when the tower is hidden in a structure like a building, flag pole, or light pole.

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Respectfully submitted,

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John Wesley, Secretary  
Planning Director

DA:  
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